

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/659,345	FULLER, CHARLES L.
	Examiner Lisa M. Saldano	Art Unit 3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the amendment filed on 10/1/2004.
2.  The allowed claim(s) is/are 1-7 and 9-20.
3.  The drawings filed on 11 September 2003 and 01 October 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 9/24/2004
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jun Lee on December 7, 2004.

The application has been amended as follows:

#### **IN THE SPECIFICATION**

On page 14, line 3, after "opposing engagement sections 110. Each brace," deleted "unit" and inserted --member--.

#### **IN THE CLAIMS**

In claim 1, line 6, after "from said engagement sections" inserted -- , at least one of said support units including at least one brace member extending between said engagement sections for reinforced support--

In claim 16, line 7, after "sectional contour" inserted -- , at least one of said support units including at least one brace member extending between said engagement sections for reinforced support--

2. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 1 and 16, the closest prior art of record, Sovran (6,042,301) discloses a river bank flood barrier comprising support units, retention units and seal portions adapted to block passage of water into a predetermined area. However, Sovran fails to disclose that the flood barrier comprises support units with a substantially V-shaped sectional contour, a base section projecting transversely outward and brace members extending between the engagement sections that define a substantially V-shaped sectional contour. O'Connor (2,745,638) discloses pens for livestock and a fence for use in the same comprising support units with a substantially V-shaped sectional contour and cross-members. The components form a barrier of simple parts capable of easy and quick assembly. However, O'Connor fails to suggest or provide motivation for the placement of brace members between the substantially V-shaped support units. Sullivan (2,763,048) discloses a concrete form support. While the Sullivan reference discloses support units with a substantially V-shaped sectional contour, it is considered to be non-analogous art. In addition, it would not be obvious to one of ordinary skill in the art to use the V-shaped support unit of Sullivan in a reconfigurable barrier such as Sovran's reference. Laven (3,938,199) discloses swimming pool construction whereby structure of the swimming pool comprises support units with a substantially V-shaped sectional contour and a brace member between engagement sections of the support unit. However, the Laven reference is also considered non-analogous art. Furthermore, it would not have been obvious to one of ordinary skill in the art nor does the Laven reference provide suggestions or motivation to modify the

reconfigurable support units of Sovran to comprise a substantially V-shaped sectional contour and a brace member between engagement sections of the support unit. Each reference taken individually or in various combinations does not provide the suggestion or motivation to disclose an invention as recited by the applicant in independent claims 1 and 16.

Regarding independent claim 20, the closest prior art of record, Sovran (6,042,301) discloses a river bank flood barrier comprising support units, retention units and seal portions adapted to block passage of water into a predetermined area. However, Sovran fails to disclose a brace unit including a stabilizing member and tie member with collar, arm and hook portions as described by the applicant in independent claim 20.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa M. Saldano whose telephone number is 703-605-1167. The examiner can normally be reached on Monday-Friday, 8:30am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on 703-308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lms



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